

DOCUMENTS UNDER SEAL ☐

TOTAL TIME (mins): 9 Mins

MAGISTRATE JUDGE MINUTE ORDER		DEPUTY CLERK Ivy L. Garcia		REPORTER/FTR FTR: 1/3/08 10:05:42-10:14:57	
MAGISTRATE JUDGE HON. WAYNE D. BRAZIL		DATE 1/3/08		NEW CASE <input type="checkbox"/>	CASE NUMBER CR-07-00809-MJJ
APPEARANCES					
DEFENDANT DAVID GARCIA GONZALEZ		AGE	CUST Yes	P/NP P	ATTORNEY FOR DEFENDANT Jerome Matthews
U.S. ATTORNEY James Mann		INTERPRETER Carole Glasser (Spanish Int.)		<input type="checkbox"/> FIN. AFFT SUBMITTED	<input type="checkbox"/> COUNSEL APPT'D
PROBATION OFFICER None	PRETRIAL SERVICES OFFICER Amy Berthelsen		DEF ELIGIBLE FOR APPT'D COUNSEL <input type="checkbox"/>		PARTIAL PAYMENT OF CJA FEES <input type="checkbox"/>
PROCEEDINGS SCHEDULED TO OCCUR					
<input type="checkbox"/> INITIAL APPEAR	<input type="checkbox"/> PRELIM HRG	<input type="checkbox"/> MOTION		<input type="checkbox"/> JUGM'T & SENTG	<input checked="" type="checkbox"/> STATUS 5 Mins HELD
<input type="checkbox"/> I.D. COUNSEL	<input checked="" type="checkbox"/> ARRAIGNMENT 4 Mins HELD	<input type="checkbox"/> BOND HEARING		<input type="checkbox"/> INITIAL APPEAR REV PROB OR S/R	<input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> DETENTION HRG WAIVED BY THE DEFT	<input type="checkbox"/> ID / REMOV HRG	<input type="checkbox"/> CHANGE PLEA		<input type="checkbox"/> PROB. REVOC.	<input type="checkbox"/> ATTY APPT HEARING
INITIAL APPEARANCE					
<input type="checkbox"/> ADVISED OF RIGHTS	<input type="checkbox"/> ADVISED OF CHARGES	<input type="checkbox"/> NAME AS CHARGED IS TRUE NAME		<input type="checkbox"/> TRUE NAME:	
ARRAIGNMENT					
<input type="checkbox"/> ARRAIGNED ON INFORMATION	<input checked="" type="checkbox"/> ARRAIGNED ON INDICTMENT	<input type="checkbox"/> READING WAIVED SUBSTANCE		<input type="checkbox"/> WAIVER OF INDICTMENT FILED RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND	
RELEASE					
<input type="checkbox"/> RELEASED ON O/R	<input type="checkbox"/> ISSUED APPEARANCE BOND	AMT OF SECURITY \$		SPECIAL NOTES	<input type="checkbox"/> PASSPORT SURRENDERED DATE:
PROPERTY TO BE POSTED <input type="checkbox"/> CASH \$		CORPORATE SECURITY <input type="checkbox"/>		REAL PROPERTY: <input type="checkbox"/>	
<input type="checkbox"/> MOTION FOR DETENTION	<input type="checkbox"/> PRETRIAL SERVICES REPORT	<input checked="" type="checkbox"/> DETAINED	<input type="checkbox"/> RELEASED	<input checked="" type="checkbox"/> DETENTION HEARING AND FORMAL FINDINGS WAIVED BY THE DEFT.	
<input checked="" type="checkbox"/> REMANDED TO CUSTODY					
ORDER REMOVED TO THE DISTRICT OF					
PLEA					
<input type="checkbox"/> CONSENT ENTERED	<input checked="" type="checkbox"/> NOT GUILTY		<input type="checkbox"/> GUILTY		GUILTY TO COUNTS: <input type="checkbox"/>
<input type="checkbox"/> PRESENTENCE REPORT ORDERED	<input type="checkbox"/> CHANGE OF PLEA		<input type="checkbox"/> PLEA AGREEMENT FILED		OTHER:
CONTINUANCE					
TO: 1/24/08	<input type="checkbox"/> ATTY APPT HEARING	<input type="checkbox"/> BOND HEARING		<input type="checkbox"/> STATUS RE: CONSENT	<input checked="" type="checkbox"/> STATUS / TRIAL SET
AT: 2:00 p.m.	<input type="checkbox"/> SUBMIT FINAN. AFFIDAVIT	<input type="checkbox"/> PRELIMINARY HEARING OR ARRAIGN- MENT		<input type="checkbox"/> CHANGE OF PLEA	<input type="checkbox"/> OTHER
BEFORE HON. MARTIN J. JENKINS	<input type="checkbox"/> DETENTION HEARING	<input type="checkbox"/> MOTIONS		<input type="checkbox"/> JUDGMENT & SENTENCING	
<input checked="" type="checkbox"/> TIME WAIVED BY THE DEFT. RE: SPEEDY TRIAL ACT CALCULATION BET. NOW & UNTIL 1/24/08 FOR EFFECTIVE PREP. OF COUNSEL	<input checked="" type="checkbox"/> TIME EXCLUDABLE UNDER 18 § USC 3161	<input type="checkbox"/> IDENTITY / REMOVAL HEARING		<input type="checkbox"/> PRETRIAL CONFERENCE	<input type="checkbox"/> PROB/SUP REV. HEARING
ADDITIONAL PROCEEDINGS					

FILED
JAN 3 - 2008

cc: WDB's Stats, Debbie Maghoney for Monica Narcisse, Pretrial

The govt's atty. provided the Court with a copy of the detainer that was lodged on the deft. by ICE (Immigration and Customs Enforcement). In light of the detainer, the deft. waived the timing of his Detention Hrg. The deft. was ordered detained, reserving his rights to have his Detention Hrg. -- if & when the deft. believes it will be on his best interest to put his Detention Hrg. Hrg. back on cal. later. The Court said that the Clerk's minutes dated & filed on 12/21/07 stating that "Court found Danger/Flight Risk" was incorrect. DOCUMENT NUMBER: This Court presumed that upon the govt's atty. stating on the record on 12/21/07 that the deft. has INS hold, there was a basis for Mag. Judge James to order the deft. detained as a flight risk but there was no basis for Mag. Judge James to conclude & find him as a danger to the community.

Department of Homeland Security
Immigration and Customs Enforcement

Immigration Detainer - Notice of Action

RECEIVED

JAN 3 - 2008

File No.

A75 110 029

Date: December 21, 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

TO: (Name and title of institution)

CUSTODIAN OF RECORDS, HOLDS/WARRANTS/DETAINEES
US MARSHAL SERVICE, OAKLAND, CA
STATE PRISONS, CITY/COUNTY JAIL,
CALIFORNIA DEPARTMENT OF CORRECTIONS OR ANY OTHER
SUBSEQUENT LAW ENFORCEMENT AGENCY

From: (INS office address)

U.S. Department of Homeland Security
Immigration and Customs Enforcement
630 Sansome Street, 5th Floor
San Francisco, CA 94111

Name of alien: GARCIA-Gonzalez, David; FBI: 472899RA8 CII#: CA10158147Date of birth: 12/16/1969Nationality: MexicoSex: Male

You are advised that the action noted below has been taken by the Immigration and Customs Enforcement concerning the above-named inmate of your institution:

- ☒ Investigation has been initiated to determine whether this person is subject to removal from the United States.
- ☐ A Notice to Appear or other charging document initiating removal proceedings, a copy of which is attached, was served on _____
(Date)
- ☐ A warrant of arrest in removal proceedings, a copy of which is attached, was served on _____
(Date)
- ☐ Deportation or removal from the United States has been ordered.

It is requested that you:

Please accept this notice as a detainer. This is for notification purposes only and does not limit your discretion in any decision affecting the offender's classification, work and quarters assignments, or other treatment which he or she would otherwise receive.

- ☒ Federal regulations (8 CFR 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for INS to assume custody of the alien. You may notify INS by calling 415 844-5512 during business hours or 415 844-5549 after hours in an emergency.

- ☒ Please complete and sign the bottom block of the duplicate of this form and return it to this office. ☒ A self-addressed stamped envelope is enclosed for your convenience. ☒ Please return a signed copy via facsimile to 415 844-5562
(Area code and facsimile number)

Return fax to the attention of Polly Kaiser at 415 844-5536
(Name of INS officer handling case) (Area code and phone number)

- ☒ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☒ Notify this office in the event of the inmate's death or transfer to another institution.
- ☐ Please cancel the detainer previously placed by this Service on _____

 #3149
(Signature of INS official)

Deportation Officer
(Title of INS official)

Receipt acknowledged:

Date of latest conviction: _____ Latest conviction charge: _____

Estimated release date: _____

Signature and title of official: _____